

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23759 of 2023

Arising Out of PS. Case No.-382 Year-2022 Thana- PIPRA District- Supaul

Mithu Mandal @ Mithilesh Kumar @ Mithu Son of Late Shambhu Mandal
R/O Village- Tetrahi (AMAH), Ward No.10, P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Bhim Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 12-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Pipra P.S. Case No. 382 of 2022 dated 30.12.2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.
3. The main submissions advanced by learned counsel for petitioner are that the instant matter relates to the recovery of 418.8 litres of illicit country-made wine but the same was not recovered from the conscious possession of the petitioner and accordingly in the seizure memo the alleged wine is stated to have been recovered near a road from an open land area of one namely, Rajkumar Poddar and the said place does not belong to this petitioner and this said fact is sufficient to falsify the allegations levelled against this petitioner. Further submissions are that the

petitioner was not apprehended at the spot of recovery and his name was disclosed by a local chaukidar and after the institution of FIR the petitioner himself surrendered before the Court below and he has been languishing in jail since 08.02.2023. Further submissions are that the petitioner is a young person and mainly on account of his criminal antecedents he has been made accused in this case.

4. Learned APP for the State opposes the bail prayer of the petitioner.

5. Considering the above submissions and mainly the completion of investigation against this petitioner and also the facts that petitioner was not apprehended at the spot of recovery and the said place is stated to be an open land of another person, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Pipra P.S. Case No. 382 of 2022.

(Shailendra Singh, J)

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